

UNITED STATES DISTRICT COURT

Central District of California

POM WONDERFUL LLC

BILL OF COSTS

V.

Case Number: CV-07-02633 CAS (JWJx)

PURELY JUICE, INC., et al.

Judgment having been entered in the above entitled action on August 8, 2008 against, Purely Juice, Inc. and Paul Hachigian,
 Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$	350.00
Fees for service of summons and subpoena		633.35
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case (Expedited or daily transcripts require prior Court Order.)		
1. Trial Transcripts, if requested by the Court or prepared pursuant to stipulation		9,542.88
2. Deposition Transcripts (includes non-expedited transcripts, the reporter's appearance fee, fees for binding, bates stamping, non-expedited shipping & handling, processing fee, ASCII disks, production and code compliance charge, electronic transmission charge, miniscripts and witness handling charges)		4,319.41
Fees and disbursements for printing		
(The costs of copies of an exhibit attached to a document necessarily filed and served.)		
Fees for witnesses (itemize on page 2 of 3)		951.17
Fees for exemplification and copies of papers necessarily obtained for use in the case		3,340.56
Docket fees under 28 U.S.C. 1923 (if incurred)		
Costs as shown on Mandate of Court of Appeals		
Compensation of court-appointed experts		
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828		
Other costs to be taxed pursuant to prior Court approval (please itemize)		4,625.00
TOTAL	\$	23,762.37

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.
☐ Conventional service by first class mail, postage prepaid as set forth below

s/ Attorney: Mark D. CampbellName of Attorney: Mark D. CampbellCosts are taxed in the amount of \$23,762.37

By: _____
 Clerk of Court Deputy Clerk Date

NAME, CITY AND STATE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Court-ordered travel expenses for Dana Krueger from Billerica, MA to Los Angeles, CA	1	951.17					951.17
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
					TOTAL		951.17

INSTRUCTIONS AND NOTICES REGARDING BILL OF COSTS

SPECIAL NOTE: An itemization and documentation to support the claims made in all categories shall be attached to the Application for Bill of Costs. Documentation shall include receipts, orders and stipulations of the parties. The claiming party shall ensure that any receipts are self-explanatory (i.e. receipts for service, to include the name of the individual). The Clerk's designee will disallow any expenses that do not have supporting documentation. It is the claiming party's responsibility to ensure that the total cost requested in all categories on Form CV-59 reflects the same total of the documentation submitted in support thereof. The Clerk's designee shall allow such items specified in the application which are properly recoverable as costs.

Amended Procedure for Filing Bill of Costs

Local Rule 54-3 - Within (15) days after entry of judgment, the party entitled to costs shall file a Notice of Application to the Clerk to Tax Costs and shall attach a proposed Bill of Costs on Form CV-59. The Bill of Costs and the Notice of Application to the Clerk to Tax Costs shall be prepared as two separate documents. All costs shall be specified so that the nature of the claim can be readily understood. The Bill of Costs will be electronically filed by the Clerk's designee once determination of allowable costs are made.

Appearance Requirements

Local Rule 54-3.2 - Time of Application - The date and time for taxation of costs by the Clerk shall be not less than fourteen (14) nor more than twenty-one (21) days from the date notice is given to the other parties. If no objections to the Bill of Costs are filed, then no appearance by counsel is required. In the absence of an objection, any item listed will be taxed as allowed under Local Rule 54. When an objection is filed, the Clerk's designee may determine that no hearing is required and the parties will be so notified. If a hearing is to be held, the Clerk's designee may specify the form of the hearing and determine if telephonic appearances are appropriate.

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

POM WONDERFUL LLC v. PURELY JUICE, INC.

ATTACHMENT A TO BILL OF COSTS

FILING FEE			TOTALS
DATE	DESCRIPTION	AMOUNT	
4/20/2007	Filing of Complaint	\$350.00	\$350.00
SERVICE OF SUMMONS AND COMPLAINT			
DATE	DESCRIPTION	AMOUNT	
4/20/2007	Service on Purely Juice, Inc.	\$197.95	
4/20/2008	Service on Paul Hachigan	\$435.40	
		\$633.35	\$633.35
TRANSCRIPTS			
DATE	DESCRIPTION	AMOUNT	
1/7/2008	Deposition of C. Rainey	\$540.40	
1/9/2008	Deposition of D. Krueger	\$510.15	
2/12/2008	Deposition of M. Tupper	\$676.80	
2/19/2008	Deposition of K. Rugeti	\$571.70	
4/2/2008	Deposition of B. Luna	\$2,020.36	
		\$4,319.41	
	Trial Transcripts -- Reporter Laura Elias	\$4,000.00	
4/29/2008	Trial Transcripts -- Reporter Laura Elias	\$5,542.88	
		\$9,542.88	\$13,862.29
WITNESS FEES			
DATE	DESCRIPTION	AMOUNT	
7/11/2008	Court ordered travel expenses for witness Dana Krueger	\$951.17	\$951.17
PHOTOCOPY			
DATE	DESCRIPTION	AMOUNT	
4/28/2008	Outside Copying -- Williams Lea, Trial Exhibits	\$1,323.50	
4/30/2008	Photocopying of Trial Exhibits 8,421 pages @ .15 per page	\$1,263.10	
6/30/2008	Photocopying of Trial Exhibits for Reopening of Trial	\$753.96	
		\$3,340.56	\$3,340.56
MEDIATION			
DATE	DESCRIPTION	AMOUNT	
3/31/2008	J.A.M.S. INC.	\$4,850.00	
5/20/2008	Refund from J.A.M.S.	-\$225.00	
		\$4,625.00	\$4,625.00
TOTAL			\$23,762.37

Williams Lea Inc.:**INVOICE**

Invoice: I-08041355
 Invoice Date: 04/09/2008
 Page: 1/1

Williams Lea Inc.
 14927 Collections Center Drive
 Chicago IL 60693

Customer No: UNI-02276
 Payment Terms: NET00
 Due Date: 04/09/2008
 Sales Rep: Maher, Janet

For Billing questions, please call 213-532-3100

Bill To:

Loeb & Loeb
 Don Miller
 10100 Santa Monica Blvd.
 Suite 2200
 LOS ANGELES CA 90067

Ship To:

Loeb & Loeb
 Don Miller
 10100 Santa Monica Blvd.
 Suite 2200
 LOS ANGELES CA 90067

Reference:

Ref/Client Matter: 202841-10074 Requested by: Don Miller
 Job Ticket: 72651

Description	Quantity	UOM	Unit Amt	Net Amount
BW Copies Tier IV - WL	5,217	CLK	0.15	782.55
Tabs	1,222	EA	0.25	305.50
Binders 3"	12	EA	9.99	119.88
BW Copies 11x17 - WL Equipt	2	CLK	0.35	0.70
Color Copies Tier I - WL	14	CLK	1.00	14.00
Subtotal:				1,222.63
CA 8.250 %				100.87
AMOUNT DUE:				\$ 1,323.50

RECEIVED**APR 21 2008****ACCOUNTING**

OK to Pay


We Now Accept - VISA, MC and AMEX.

If payment is not received by the due date stated on this invoice, we will have the right to charge you interest at the lesser of (i) eighteen percent(18%) per year, (ii) the interest rate stated in our contract with you or the maximum interest permitted in your jurisdiction. All prices and charges are measured in US dollars.



● innovativeinsightfulinformative

IVIZE of Century City, LLC • Phone: (310) 201-2144
Fed. Tax ID: 26-1633286

REMIT PAYMENT TO: IVICE of Century City, LLC
c/o IVICE, LLC
200 South Tryon Street, Suite 10
Charlotte, NC 28202

PLEASE PAY FROM THIS INVOICE

INVOICE NO: 17-2567

INVOICE DATE: 4/14/2008

SOLD TO:

Loeb & Loeb
10100 Santa Monica Boulevard
Suite 2200
Los Angeles, CA 90067

ORDERED BY: Daniel Pisano

Loeb & Loeb	153389	NET 15	MA
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2,605	B&W Grade D Co...	Grade D (heavy litigation) black & white copies		468.90T
1	B&W 11x17 Copies	11x17 black & white copies		0.35T
7	Color Copies	Color copies		7.00T
617	Tabs (Stock)	Stock divider tabs insertion		154.25T
3	Binder 3"	3 in. binder		30.00T
3	Binder 4"	4 in. binder		36.00T
<p>OK to pay</p> <p>202841-10074</p> <p>277.444</p> <p>Order Date 04/10/08</p> <p>Signature: <i>[Signature]</i></p>				<p>RECEIVED APR 17 2008 ACCOUNTING</p> <p>RECEIVED JUN 05 2008 ACCOUNTING</p> <p>Subtotal: \$696.50</p> <p>Sales Tax: \$57.46</p>
TOTAL				\$753.96

THANK YOU FOR CHOOSING IVICE, LLC

Payment is due upon receipt. No exceptions for third party payments. If invoice is not paid within 30 days, a five percent (5%) finance charge may be added. Customer is responsible for all costs of collection, including reasonable attorney fees.